

SNOHOMISH COUNTY
DISTRICT COURT LOCAL RULES

Table of Rules

Administrative Rules

SCLARLJ 3 Definitions
SCLARLJ 5 Presiding Judge
SCLARLJ 5.2 Commissioner and Judges Pro Tempore

Local Civil Rules

SCLCRLJ 3 Filing Of Civil and Small Claims Cases
SCLCRLJ 38 Jury Trial

Special Proceedings Rule

SCLSPR 1 Name Changes

Traffic Infractions Rules

SCLIRLJ 2.3 Filing
SCLIRLJ 2.6 Hearings Based on Written Statements
SCLIRLJ 3.1 Preliminary Procedures for Contested Hearings
SCLIRLJ 3.5 Decision on Written Statements

Local Criminal Rules

SCLCrRLJ 3.2 Bail in Felony Offense Cases
SCLCrRLJ 5.1 Commencement of Actions
SCLCrRLJ 5.2 Transfer of Cases
SCLCrRLJ 6.1.1 Trial by Jury
SCLCrRLJ 7.1 Deferred Prosecution Petition and Order

SCLARLJ 3.
DEFINITIONS

(a) Name of Court. The Snohomish County District Court consists of four divisions and operates in facilities in four electoral districts. Reference to a particular physical location shall specify the electoral district that shall be known as a division of the Snohomish County District Court. The current divisions are as follows:

- (1) Cascade Division
415 E. Burke Avenue, Arlington, WA 98223-1099
- (2) Evergreen Division
14414 179th Avenue SE, Monroe, WA 98272-0625
- (3) Everett Division
3000 Rockefeller Avenue, Everett, WA 98201-4060
- (4) South Division
20520 68th Avenue W., Lynnwood, WA 98036-7406

(b) Judge. A "Judge" is defined to mean a current validly appointed or elected Snohomish County District Court Judge.

[Effective September 1, 2003]

SCLARLJ 5.
PRESIDING JUDGE

(a) Appointment. The Court shall be managed by the Presiding Judge, who shall be elected by a majority of the judges prior to December 1st in the year immediately occurring before the term of office. An Assistant Presiding Judge shall be elected in the same manner.

(b) Appeals.

(1) A decision of the Presiding Judge may be appealed to the judges by any judge.

(2) An affirmative majority vote of those judges voting is required to reverse a decision of the Presiding Judge.

(c) Meetings.

(1) Regular Meetings. Regular meetings of the judges shall be held not less than every quarter. These meetings shall be on such a day as may be designated by the Presiding Judge.

(2) Special Meetings. Special meetings of the judges may be called at any time by the Presiding Judge or by any four judges acting jointly. Notice of any such meeting shall be provided each judge at least 48 hours in advance by personal contact or in writing left at the judge's assigned division.

(3) Meeting Agendas. The Presiding Judge shall prepare the agenda for judges' meetings. Any judge may place any item of business on the agenda.

(4) Voting. At a judge's meeting, each judge shall have the right to cast one vote on any issue before the judges.

(5) Quorum. A quorum for the conduct of business by the judges shall be five judges.

(d) General Responsibilities. In addition to GR 29 responsibilities, and in order to assure the expeditious and efficient handling of all cases and an equitable distribution of workload among the several divisions, the Presiding Judge may by written order, direct that certain types of cases be filed in different division(s) than otherwise provided in these rules for a designated period of time, or until further ordered. It is recommended, but not required, that the Presiding Judge consult with the affected division judges, affected law enforcement agencies, and other affected parties prior to making such decisions.

[Effective September 1, 2003, Amended September 1, 2004]

SCLARLJ 5.2
COMMISSIONERS AND JUDGES PRO TEMPORE

(a) There shall be one full time Court Commissioner who shall serve at the pleasure of the judges and under the direction of the Presiding Judge.

(b) The Commissioner shall be compensated at a rate of pay established in the Court's annual budget.

(c) Judges Pro Tempore shall be compensated in an amount that does not exceed the daily rate of compensation earned by the Commissioner.

(d) From time to time, the Presiding Judge may appoint

Pro Tempore Commissioners as authorized by County ordinance.
Pro Tempore Commissioners shall be compensated at the same
rate as Judges Pro Tempore

[Effective September 1, 2003]

SCLCRLJ 3.
FILING OF CIVIL AND SMALL CLAIMS CASES

(a) General Provision. Any Civil or Small Claim action brought in the Court shall be filed in the division in which the defendant, or, if there be more than one defendant, where one of the defendants resides at the time the complaint is filed or in which the defendant, or, if there be more than one defendant, where one of the defendants may be served with the notice and complaint. If the residence of the defendant is not ascertained by reasonable efforts, the action may be filed in the division in which the defendant's place of actual physical employment is located.

(b) Recovery of Personal Property. Any action for the recovery of possession of personal property shall be filed in the division in which the subject matter of the action or some part thereof is situated.

(c) Actions for a Penalty. An action for a penalty shall be filed in the division where the cause of action, or some part thereof, arose.

(d) Personal Injuries and Property Damage. An action for the recovery of damages for injuries to the person or for injury to personal property may be filed either in the division in which the cause of action arose, or in the division in which the defendant, or, if there be more than one defendant, where some one of the defendants resides at the time the complaint is filed.

(e) Non-Resident Defendants. An action brought against a non-resident of this state may be filed in any division where service of process may be had, or in which the cause of action or some part thereof arose, or in which the plaintiff or one of them resides.

(f) Corporate Defendants. For the purposes of this rule, the residence of a corporation defendant shall be deemed to be in any division where the corporation transacts business, or has an office for the transaction of business at the time the cause of action arose, or where any person resides upon whom process may be served upon the corporation.

(g) Impound Hearings. Impound Hearings shall be filed in the division in which the impound of the vehicle occurred.

(h) Transfer of Non-Jury Civil or Small Claim Cases. If a civil or small claim action is filed in the wrong division, the action shall remain there unless the defendant requests a transfer of the action to the proper division. Upon such demand the court may enter an order transferring the action to the proper division and may award the defendant the reasonable costs associated with the transfer of the action, including a reasonable attorneys fee, to be paid by the plaintiff.

(i) Transfer of Civil Jury Cases. Upon the court's own motion or the motion of any party the Presiding Judge may enter a written order transferring the case to a different division.

(j) The filing of a case in the improper division does not create a jurisdictional defect and does not, of itself,

grant or deprive the Court of jurisdiction otherwise conferred by law.

[Effective September 1, 2003]

SCLCRLJ 38.
JURY TRIAL

(a) Jury Trial

(1) Confirmation Required. On the last court day preceding the jury trial date the party demanding a jury trial shall contact the confirmation clerk at the respective division of the Snohomish County District Court, at the telephone numbers listed below, between 9:00 AM and 3:00 PM, and confirm that the case is going to proceed to jury trial or that some other settlement has been reached.

Confirmation Clerk's telephone numbers for each division are as follows:

Cascade Division: (360) 435-7747
Everett Division: (425) 388-3926
Evergreen Division: (360) 805-6787
South Division: (425) 744-6808

Failure of a party to confirm the jury trial or to advise the confirmation clerk that settlement has been reached shall constitute a waiver of the jury trial demand and cause the case to be stricken from the jury trial calendar. Terms may be assessed if the case has to be continued to a different trial date. Stipulated settlements not yet reduced to writing may be put on the record in conformance with CRLJ 2A.

Any case confirmed for jury under this subsection and not proceeding to jury trial shall be subject to such sanctions, including but not limited to jury costs, witness fees and terms, as deemed appropriate by the trial judge.

(2) This procedure may be modified by written order entered in a particular case.

[Effective September 1, 2003]

SCLSPRLJ 1.
NAME CHANGES

Requirements. An applicant who applies to the court for a change of name pursuant to statute must meet the following requirements:

(a) Birth Certificate. A certified copy of any minor applicant's birth certificate or suitable identification shall be presented to the clerk for verification and copying.

(b) Minors: Parental Consent. All applicants under eighteen (18) years of age shall be represented by a parent or legal guardian, and both biological or legal parents or guardian must approve the change of name either by personal appearance or by verified affidavit. In the absence of consent from one of the biological or legal parents, the court may grant the petition if such action would be in the best interests of the child and the non-consenting parent has received notice of the hearing on the petition.

[Effective September 1, 2003]

SCLIRLJ 2.3.
FILING

Notices of Infraction should be filed in the division where the violation is alleged to have occurred.

[Effective September 1, 2003]

SCLIRLJ 2.6.
HEARINGS BASED ON WRITTEN STATEMENTS

Contested and mitigation hearings based on written statements are authorized, as provided in IRLJ 2.6.

[Effective September 1, 2003]

SCLIRLJ 3.1.
PRELIMINARY PROCEDEURES FOR CONTESTED HEARINGS

Subpoenas in Municipal Cases. In municipal cases where a party has requested that a witness be subpoenaed, the clerk may reschedule the hearing to the municipality's next available bench trial calendar.

[Effective September 1, 2003]

SCLIRLJ 3.5.
DECISION ON WRITTEN STATEMENTS

Decisions on written statements are authorized, as permitted in IRLJ 3.5.

[Effective September 1, 2003]

SCLCrRLJ 3.2
BAIL IN FELONY OFFENSE CASES

A person subject to custodial arrest for a felony offense shall be held until they have posted bail according to the following schedule or appeared before a judge. Nothing in this rule shall limit the authority of the Court to set bail in a different amount in an individual case.

1. Class A felonies and attempts, conspiracies, and solicitations to commit Class A felonies. Bail shall be set by a judicial officer.
2. The following Domestic Violence related felony crimes and attempts, conspiracies and solicitations to commit such crimes: Bail shall be set by a judicial officer.
 - Assault 2, DV
 - Assault 3, DV
 - Assault of a Child 2, DV
 - Assault of a Child 3, DV
 - Burglary 2, DV
 - Child Molestation 2, DV
 - Child Molestation 3, DV
 - Criminal Mistreatment 1, DV
 - Criminal Mistreatment 2, DV
 - Cyberstalking, DV
 - Drive by Shooting, DV
 - Kidnapping 2, DV
 - Malicious Mischief 1, DV
 - Malicious Mischief 2, DV
 - Rape 3, DV
 - Rape of a Child 3, DV
 - Residential Burglary, DV
 - Stalking, DV
 - Telephone Harassment, DV
 - Unlawful Imprisonment, DV
 - Violation of a temporary, permanent, or final Domestic Violence Court Order that is punishable as a felony
3. The following, when committed as a felony offense: Bail shall be set by a judicial officer.
 - Driving under the Influence
 - Physical Control
4. Class B felonies involving crimes against persons (as defined in RCW 9.94A.422(2)) and attempts, conspiracies, and solicitations to commit such crimes. \$25,000
5. The following Class B felony crimes and attempts, conspiracies, and solicitations to commit such crimes: \$25,000
 - Assault by Watercraft
 - Bribe Received by a Witness
 - Criminal Mistreatment 1
 - Drive by Shooting
 - Escape 1
 - Hit & Run, Death
 - Holding Hostages or Interference with Officer's Duty
 - Intimidating a Judge
 - Malicious Placement of an Explosive 2
 - Malicious Placement of an Imitation Device 1
 - Manslaughter 2
 - Promoting Commercial Sexual Abuse of a Minor
 - Threats to Bomb
 - Unlawful Possession of a Firearm 1
6. All other Class B felonies (including attempts, conspiracies, and solicitations to commit such Class B felonies). \$10,000
7. Class C felonies involving crimes against persons (as defined in RCW 9.94A.422(2)) and attempts, conspiracies, and solicitations to commit such crimes. \$10,000
8. The following Class C felonies and attempts, conspiracies, and solicitations to commit such crimes: \$10,000
 - Bail Jumping with a Class B or C Offense
 - Child Molestation 3
 - Criminal Mistreatment 2
 - Criminal Trespass Against Children
 - Custodial Interference 1
 - Custodial Interference 2
 - Custodial Sexual Misconduct 1
 - Escape 2
 - Harassment
 - Hit & Run, Injury
 - Hit & Run with a Vessel, Injury
 - Indecent Exposure to a Person Under Age 14
 - Luring
 - Machine Gun or Short-Barreled Shotgun or Rifle Possession Prohibited
 - Malicious Harassment
 - Sexual Exploitation of a Minor
 - Sexual Misconduct with a Minor 1

-- Tampering with a Witness
-- Telephone Harassment
-- Threats Against the Governor
-- Voyeurism

9. Class C felonies, all other cases

\$5,000

[Readopted Effective September 1, 2008]

SCLCrRLJ 5.1.
COMMENCEMENT OF ACTIONS.

(a) Under Municipal Ordinances. Complaints for the violation of a municipal ordinance should be heard in the division in which the municipality exists.

(b) Under Other Laws. All criminal and criminal traffic actions should be filed in the division where the violation is alleged to have occurred.

[Effective September 1, 2003]

SCLCrRLJ 5.2
TRANSFER OF CASES

Any judge may by written order direct the transfer of a criminal case to another division upon the court's own motion or motion of any party.

[Effective September 1, 2003]

SCLCrRLJ 6.1.1
TRIAL BY JURY.

(a) Jury Trial

(1) Readiness Hearings. All cases set for jury trial shall be assigned both a readiness hearing date and a trial date. The defendant, and the defendant's attorney if the defendant is represented, shall appear at the readiness hearing. The court will inquire as to whether the case is expected to go to trial, the number of witnesses to be called by each side and the anticipated length of trial; and if all motions, discovery and plea negotiations have been concluded. Any case confirmed for jury trial at the readiness hearing shall remain set on the jury trial date. Failure to appear at the readiness hearing, as required herein, shall constitute a waiver of the defendant's speedy trial rights, and may result in a bench warrant for the defendant's arrest and forfeiture of any bail or bond.

(2) Confirmation Required. On the last court day preceding the jury trial date the defendant, if appearing pro se, or the defendant's attorney if represented by counsel, and the prosecutor shall contact the confirmation clerk at the respective division of the Snohomish County District Court, at the telephone numbers listed below, between 9:00 AM and 3:00 PM, and confirm that the case is going to proceed to jury trial or that some other

disposition has been reached.

Confirmation Clerk's telephone numbers for each division are as follows:

Cascade Division: (360) 435-7747
Everett Division: (425) 388-3926
Evergreen Division: (360) 805-6787
South Division: (425) 744-6808

Failure of a party to confirm the jury trial or to advise the confirmation clerk that another disposition has been reached may cause the case to be stricken from the jury trial calendar. Failure of the defendant, if appearing pro se, or the defendant's attorney if represented by counsel, to confirm the jury trial or to advise the confirmation clerk that another disposition has been reached shall constitute a waiver of the defendant's speedy trial rights. Failure of the defendant to appear on the jury trial date may result in a bench warrant for the defendant's arrest and forfeiture of any bail or bond, unless it is confirmed by both parties that a disposition is to be proposed to the court.

Any case confirmed for jury under this subsection and not proceeding to jury trial shall be subject to such sanctions, including but not limited to jury costs, witness fees and terms, as deemed appropriate by the trial judge.

[Effective September 1, 2003]

SCLCrRLJ 7.1
DEFERRED PROSECUTION PETITION AND ORDER.

A petition for deferred prosecution pursuant to RCW 10.05 must be filed with the court and the prosecuting authority no later than seven (7) days prior to proposed entry unless good cause exists for delay.

An order deferring prosecution will not be granted absent proof that the defendant has actually begun treatment in the program contained in the petition and order for deferred prosecution.

An order deferring prosecution will not be granted unless the petition, order and treatment plan have been reviewed and approved by the court's probation department to insure compliance with RCW 10.05 and appropriateness for said defendant.

[Effective September 1, 2007]
